

**EXHIBIT 3**  
**DECLARATION OF GEORGINA**  
**YEOMANS**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

**Christina Littler**, on behalf of herself and  
others similarly situated,

Plaintiff,

v.

**Ohio Association of Public School Employees**,  
Defendant.

Case No. 2:18-cv-1745-GCS-CMV

**DECLARATION OF GEORGINA  
YEOMANS**

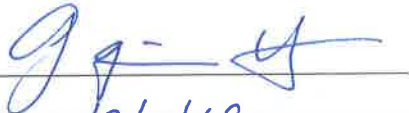
1. My name is Georgina Yeomans. I represent Defendant OAPSE in the above-captioned matter. I am over 18 and competent to testify to the facts set forth below.

2. Exhibit 1 to Defendant OAPSE's Motion to Exclude Expert Report of David A. Macpherson is a copy of the transcript of the deposition taken of Dr. Macpherson on September 27, 2019.

3. Dr. Macpherson prepared substantially similar reports in three cases brought by Plaintiff's counsel against public-sector unions: this case, as well as two cases pending before the District of Minnesota: *Hoekman v. Education Minnesota*, 0:18-cv-01686-SRN-ECW (D. Minn.), and *Prokes v. AFSCME Council No. 5*, 0:18-cv-02384-SRN-ECW (D. Minn). By agreement of the parties, Defendants' counsel in all three cases deposed Dr. Macpherson on September 27, 2019. The parties stipulated for purposes of efficiency to the use of any portion of that deposition in any of the three cases. *See* Attachment A to this Declaration.

4. Exhibit 2 is a copy of the report prepared by Dr. Macpherson that Plaintiff submitted as Exhibit A to her Motion for Class Certification.

I declare under penalty of perjury that the foregoing is true and correct.

  
12/4/19

# **ATTACHMENT A**

## **STIPULATION RE MACPHERSON DEPOSITION**

### STIPULATION

Whereas Talcott J. Franklin and Jonathan F. Mitchell, along with associated counsel, represent the Plaintiffs in *Prokes, et al. v. American Federation of State, County, and Municipal Employees, Council No. 5*, 0:18-cv-02384-SRN-ECW ("*Prokes*"), *Hoekman, et al. v. Education Minnesota, et al.*, 0:18-cv-01686-SRN-ECW ("*Hoekman*"), and *Littler v. Ohio Association of Public School Employees*, 2:18-cv-01745-GCS-CMV ("*Littler*") (collectively "the three cases"), and

Whereas Bredhoff & Kaiser, P.L.L.C. represents the Union Defendants in *Prokes* and *Littler* through counsel including Leon Dayan and Richard F. Griffin, Jr., respectively, and Altshuler Berzon LLP represents the Union Defendants in *Hoekman* through counsel including Danielle Leonard, and

Whereas the three cases are putative class actions, and

Whereas the same individual, David A. Macpherson, PhD, has been disclosed pursuant to Federal Rule of Civil Procedure 26 by Plaintiffs in *Prokes*, *Hoekman*, and *Littler*, as an expert witness in each of the three cases, and

Whereas having counsel for the Union Defendants in the three cases take deposition testimony from Dr. Macpherson on the same day at the same location will be more efficient, prevent duplicative efforts of counsel, and save the resources of both the Plaintiffs and the Union Defendants, and


Whereas permitting the use of the expert deposition transcript in any of the three cases will likewise promote efficiency, prevent duplicative efforts of counsel, and save the resources of both the Plaintiffs and Union Defendants,

Now, therefore, the parties, through their undersigned counsel, hereby agree that the Union Defendants' depositions of Dr. Macpherson in the three cases shall all be taken on September 27, 2019;


The parties further agree that the testimony provided in the expert deposition may be utilized by any party in each case, subject to the full range of evidentiary objections and protective orders in effect in the cases. The parties specifically waive any objection to the use of the contents of the expert deposition transcript on the basis that the testimony was taken in a case other than their own. The parties also agree that they will not object to the use of the expert deposition transcript, or portions thereof, on the basis that the deposition was taken by someone other than an attorney of record, or on any other basis arising from the parties' agreement to take Dr. Macpherson's depositions on the same day at the same location.



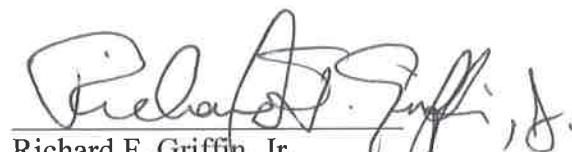
Talcott Franklin  
Attorney for Plaintiffs



Danielle E. Leonard  
Attorney for Union Defendants  
in *Hoekman*



Leon Dayan  
Attorney for Union Defendant  
in *Prokes*



Richard F. Griffin, Jr.  
Attorney for Union Defendant  
in *Littler*